MONTANA LEGISLATIVE HISTORY

Chapter 346 1997

Bill H 594 S _____ Original bill & history ✓C

H. Committee on Appropriations			S. Committee on Finance & Claims		
Hearing Date(s)	3-13	✓C	Hearing Date(s)	4-8	✓C
	3-21	✓C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

House BILL NO. 594

INTRODUCED BY [illegible] Wissman Curtis Tash

BY REQUEST OF THE NATURAL RESOURCES AND COMMERCE SUBCOMMITTEE [illegible]

McCann Brandy Arnott Curtis ORR [illegible]

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE BOARD OF PASSENGER TRAMWAY SAFETY; ELIMINATING THE FUNCTIONS AND DUTIES OF THE BOARD OF PASSENGER TRAMWAY SAFETY; AMENDING SECTIONS 23-2-702, 23-2-734, AND 50-60-104, MCA; REPEALING SECTIONS 2-15-1896, 23-2-701, 23-2-705, 23-2-711, 23-2-712, 23-2-713, 23-2-714, 23-2-715, 23-2-716, 23-2-717, 23-2-718, 23-2-721, 23-2-722, 23-2-723, 23-2-724, 23-2-725, AND 23-2-732, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-2-702, MCA, is amended to read:

"**23-2-702. Definitions.** As used in this part, the following definitions apply:

~~(1) "Area" means the area, terrain, or ski slopes served by a passenger tramway.~~

~~(2) "Board" means the board of passenger tramway safety provided for in 2-15-1896.~~

~~(3) "Industry" means the passenger tramway business activities of all those persons in the state who own, manage, or direct the operation of passenger tramways.~~

~~(4) "Operator" means a person, including any political subdivision or instrumentality thereof, who owns, manages, or directs the operation of a passenger tramway.~~

~~(5)~~(1) "Passenger tramway" means a device used to transport passengers by means of any of the following:

(a) two-car aerial passenger tramway, a device used to transport passengers in two open or enclosed cars attached to and suspended from a moving wire rope or attached to a moving wire rope and supported on a standing wire rope or similar devices;

(b) multicar aerial passenger tramway, a device used to transport passengers in several open or enclosed cars or carrying device attached to and suspended from a moving wire rope or attached to a moving wire rope and supported on a standing wire rope or similar devices;

(c) skimobile, a device in which a passenger car running on steel or wooden tracks is attached to

and pulled by a steel cable or similar devices;

(d) chair lift, a type of transportation on which passengers are carried on chairs suspended in the air and attached to a moving cable, chain, or link belt supported by trestles or towers with one or more spans or similar devices;

(e) a J-bar, T-bar, or platterpull, so-called, and similar types of devices or means of transportation ~~which~~ that pull skiers riding on skis by means of an attachment to a main overhead cable supported by trestles or towers with one or more spans;

(f) rope tow, a type of transportation ~~which~~ that pulls the skier, riding on skis as the skier grasps the rope or wire rope manually, or similar devices.

(2) "Ski area operator" or "operator" means a person, firm, or corporation and its agents and employees having operational and administrative responsibility for ski trails and improvements.

(3) "Skier" means a person admitted to a ski area or using the ski trails, areas, and other improvements within the ski area. The term does not include a person using an aerial passenger tramway.

(4) "Ski trails" means those areas designated by the ski area operator to be used by skiers for the purpose of participating in the sport of skiing."

Section 2. Section 23-2-734, MCA, is amended to read:

"**23-2-734. Duties of operator with respect to passenger tramways.** A ski area operator shall construct, operate, maintain, and repair any passenger tramway ~~in accordance with the rules of the board. However, nothing in this section relieves an~~ An operator ~~from~~ has the duty of taking whatever ~~other~~ actions are necessary to properly construct, operate, maintain, and repair a passenger tramway."

Section 3. Section 50-60-104, MCA, is amended to read:

"**50-60-104. Inspection fees.** The department shall establish a schedule of fees and may collect fees for the inspection of plans and specifications and for the inspection of buildings, factory-built buildings, recreational vehicles, ~~tramways,~~ or any other facility or structure."

NEW SECTION. **Section 4. Repealer.** Sections 2-15-1896, 23-2-701, 23-2-705, 23-2-711, 23-2-712, 23-2-713, 23-2-714, 23-2-715, 23-2-716, 23-2-717, 23-2-718, 23-2-721, 23-2-722, 23-2-723, 23-2-724, 23-2-725, and 23-2-732, MCA, are repealed.

NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 1997.

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0594, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:
An act eliminating the Board of Passenger Tramway Safety, eliminating the functions and duties of the board.

ASSUMPTIONS:
1. The appropriation for the Board of Passenger Tramway Safety in HB 2 has already been eliminated.
2. No further revenue will be received after June 30, 1997. The cash balance at the end of fiscal year 1997 will be $15,536 if all projected revenue is collected and the full appropriation for fiscal year 1997 is expended.
3. Section 17-1-503(1), MCA, states "The balance remaining in each state special revenue fund account terminated pursuant to legislative review must be deposited in the general fund." In accordance with this statute, the Department of Commerce would transfer approximately $15,500 to the general fund on or about July 1, 1997.

FISCAL IMPACT:

	FY98 Difference	FY99 Difference
Net Impact on Fund Balance:		
General Fund (01)	15,500	0

Dave Lewis 3-4-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Roger DeBruycker
ROGER DEBRUYCKER, PRIMARY SPONSOR DATE

Fiscal Note for HB0594, as introduced

HB 594

3/17 MISSED DEADLINE FOR 57TH DAY TRANSMITTAL
DIED IN COMMITTEE

HB 593 INTRODUCED BY PAVLOVICH, ET AL. *LC1402 DRAFTER: MCCLURE*

APPROPRIATE MONEY FROM THE COAL SEVERANCE TAX PERMANENT FUND TO THE DEPARTMENT OF MILITARY AFFAIRS TO FUND THE MONTANA NATIONAL GUARD SCHOLARSHIP PROGRAM

2/24 INTRODUCED
2/24 FIRST READING
2/24 REFERRED TO APPROPRIATIONS
3/13 HEARING
3/21 TABLED IN COMMITTEE
3/28 MISSED DEADLINE FOR 67TH DAY TRANSMITTAL
DIED IN COMMITTEE

HB 594 INTRODUCED BY DEBRUYCKER, ET AL. *LC1412 DRAFTER: PETESCH*

ELIMINATE THE BOARD OF PASSENGER TRAMWAY SAFETY

BY REQUEST OF JOINT SUBCOMMITTEE ON NATURAL RESOURCES

2/25	INTRODUCED		
2/25	FIRST READING		
2/25	REFERRED TO APPROPRIATIONS		
2/25	FISCAL NOTE REQUESTED		
3/04	FISCAL NOTE RECEIVED		
3/05	FISCAL NOTE PRINTED		
3/13	HEARING		
3/21	COMMITTEE REPORT—BILL PASSED		
3/25	2ND READING PASSED	98	1
3/26	3RD READING PASSED	97	1
	TRANSMITTED TO SENATE		
3/27	FIRST READING		
3/27	REFERRED TO FINANCE & CLAIMS		
4/08	HEARING		
4/09	COMMITTEE REPORT—BILL CONCURRED		
4/10	2ND READING CONCURRED	50	0
4/11	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
4/15	SIGNED BY SPEAKER		
4/17	SIGNED BY PRESIDENT		
4/18	TRANSMITTED TO GOVERNOR		
4/18	REVISED FISCAL NOTE REQUESTED		
4/19	REVISED FISCAL NOTE PRINTED		
4/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 346		
	EFFECTIVE DATE: 07/01/97		

HB 595 INTRODUCED BY SIMPKINS *LC0741 DRAFTER: HEIMAN*

SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AMENDMENTS TO THE MONTANA CONSTITUTION TO PROHIBIT STATE GOVERNMENT FROM LEVYING PROPERTY TAXES OR REQUIRING THAT LOCAL GOVERNMENTS OR SCHOOL DISTRICTS LEVY PROPERTY TAXES AND TO ELIMINATE THE STATE'S ROLE IN THE VALUATION OF PROPERTY

2/25 INTRODUCED
2/25 FIRST READING
2/25 REFERRED TO TAXATION
3/06 HEARING
3/24 TABLED IN COMMITTEE

HOUSE APPROPRIATIONS

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ------- RereferRED ---- DATE READ

HB0557	SMITH, LIZ 2/14	3/10	STATE ADMIN. COSTS: COMPILATION, ANALYSIS, REPORTING REQUIRED	TABLED ON 03/11 VOTE:		
HB0567	SQUIRES, CAROLYN 2/15	3/10	REVISE EMPLOYEE PROTECTION ACT ELIGIBILITY AND FUNDING	PASS AS AMENDED 3/24 VOTE: 14-4		3/25
HB0574	SMITH, LIZ 2/17	3/10	CONSTRUCT ADDITIONAL PRISON ADJACENT TO MSP	TABLED ON 03/11 VOTE:		
HB0576	COBB, JOHN 2/17	3/10	ENDOWMENT FOR CHILDREN	PASS AS AMENDED 3/11 VOTE: 13-5		3/12
HB0578	JOHNSON, ROYAL 2/18	3/10	ELIMINATE BOARD OF SCIENCE AND TECHNOLOGY DEVELOPMENT IN 1999	DO PASS 3/14 VOTE: 12-3		3/15
HB0580	MCCANN, MATT 2/18	3/10	REQUIRE AGENCY PROGRAM BUDGET TO CONTAIN PLAN TO REDUCE BASE BUDGETS BY 100%	DO PASS 3/11 VOTE: 18-0		3/12
HB0581	CAREY, BILL 2/19	3/11	HOUSING TRUST FUND	TABLED ON 03/21 VOTE:		
HB0583	SANDS, DIANE 2/19	3/11	CREATE HOUSING TRUST FUND & APPROPRIATION TO BD. OF HOUSING FOR TRUST FUND	TABLED ON 03/21 VOTE:		
HB0584	KNOX, DICK 2/19	3/11	CREATING AN ORPHAN SHARE SPECIAL REVENUE ACCOUNT	PASS AS AMENDED 3/24 VOTE: 13-5		3/25
HB0588	TAYLOR, LILA 2/21		APPROPRIATION TO COAL BOARD FOR RECONSTRUCTION OF MT HIGHWAY 314	TABLED ON 03/21 VOTE:		
HB0593	PAVLOVICH, BOB 2/24	3/13	APPROPRIATE COAL TAX MONEY TO FUND THE NATIONAL GUARD SCHOLARSHIP PROGRAM	TABLED ON 03/21 VOTE:		
HB0594	DEBRUYCKER, ROGER 2/25	3/13	ELIMINATE BOARD OF PASSENGER TRAMWAY SAFETY AND ASSOCIATED LAWS	DO PASS 3/21 VOTE: 18-0		3/21

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN TOM ZOOK**, on March 13, 1997, at 2:00 p.m., in Room 312-2.

ROLL CALL

Members Present:

Rep. Tom Zook, Chairman (R)
Rep. Edward J. "Ed" Grady, Vice Chairman (Majority) (R)
Rep. Joe Quilici, Vice Chairman (Minority) (D)
Rep. Beverly Barnhart (D)
Rep. Ernest Bergsagel (R)
Rep. John Cobb (R)
Rep. Roger DeBruycker (R)
Rep. Gary Feland (R)
Rep. Don Holland (R)
Rep. John Johnson (D)
Rep. Royal C. Johnson (R)
Rep. Betty Lou Kasten (R)
Rep. Bob Keenan (R)
Rep. Matt McCann (D)
Rep. William T. "Red" Menahan (D)
Rep. Ray Peck (D)
Rep. Steve Vick (R)
Rep. William R. Wiseman (R)

Members Excused: None.

Members Absent: None.

Staff Present: Clayton Schenck, Legislative Fiscal Analyst
Marjorie Peterson, Committee Secretary

Committee Business Summary:

Hearing:	HJR 24, HB 593, HB 594
Executive Action:	HB 5 DO PASS AS AMENDED, HB 588 TABLED

EXECUTIVE ACTION ON HB 5

Motion: **REP. BERGSAGEL moved HB 5 Do Pass.**
{Tape: 1; Side: A; Approx. Tape Counter: 0.1.}

Motion: **REP. COBB moved amendment HB000543.a12 Do Pass.**
{Tape: 1; Side: A; Approx. Tape Counter: 1.2.}

Proponents:
Roger Hagen, Enlisted Officer Association of Montana, National Guard.
{Tape: 2; Side: A; Approx. Tape Counter: 23.5.}

Opponents:
None.

Questions From the Committee:
None.

Closing by Sponsor:
REP. PAVLOVICH closed the hearing on HB 593.
{Tape: 2; Side: A; Approx. Tape Counter: 31.9.}

HEARING ON HB 594

Opening Statement by Sponsor:
REP. ROGER DEBRUYCKER, HD 89, Floweree, opened the hearing on HB 593, An act eliminating the board of passenger tramway safety, eliminating the functions and duties of the board of passenger tramway safety.
{Tape: 2; Side: A; Approx. Tape Counter: 33.0.}

Proponents:
Pat Melby, Montana Ski Area Association, Helena. Mr. Melby submitted a letter from Roger Adams of Willis Corroon Corporation of New Hampshire, dated March 6, 1997, and a letter from Maynard Russell of Acordia Resort Services Division of Norwich, Vermont, dated February 19, 1997. **EXHIBITS 7, 8.**
{Tape: 2; Side: A; Approx. Tape Counter: 38.5.}

Kevin Taylor, Great Divide Ski Area, Marysville.
{Tape: 2; Side: A; Approx. Tape Counter: 40.6.}

Tim Prather, Red Lodge Mountain Ski Area, Red Lodge.
{Tape: 2; Side: A; Approx. Tape Counter: 43.3.}

Phil Hauck, former state architect, Helena.
{Tape: 2; Side: B; Approx. Tape Counter: 0.1.}

Opponents:
Homer Bowles, USDA Forest Service, Missoula. Mr. Bowles submitted written testimony for Hal Salwasser, Regional Forester, USDA Forest Service. **EXHIBIT 9.**
{Tape: 2; Side: B; Approx. Tape Counter: 5.3.}

Questions From the Committee:
{Tape: 2; Side: B; Approx. Tape Counter: 13.5.}

Closing by Sponsor:
REP. DEBRUYCKER closed the hearing on HB 594.
{Tape: 2; Side: B; Approx. Tape Counter: 37.7.}

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN TOM ZOOK**, on March 21, 1997, at 8:00 a.m., in Room 312-2.

ROLL CALL

Members Present:

Rep. Tom Zook, Chairman (R)
Rep. Edward J. "Ed" Grady, Vice Chairman (Majority) (R)
Rep. Joe Quilici, Vice Chairman (Minority) (D)
Rep. Beverly Barnhart (D)
Rep. Ernest Bergsagel (R)
Rep. John Cobb (R)
Rep. Roger DeBruycker (R)
Rep. Gary Feland (R)
Rep. Don Holland (R)
Rep. John Johnson (D)
Rep. Royal C. Johnson (R)
Rep. Betty Lou Kasten (R)
Rep. Bob Keenan (R)
Rep. Matt McCann (D)
Rep. William T. "Red" Menahan (D)
Rep. Ray Peck (D)
Rep. Steve Vick (R)
Rep. William R. Wiseman (R)

Members Excused: None.

Members Absent: None.

Staff Present: Clayton Schenck, Legislative Fiscal Analyst
Marjorie Peterson, Committee Secretary

Committee Business Summary:

Hearing:	HB 600, HB 602, HB 605, HB 298
Executive Action:	HB 244 TABLED, HB 366 TABLED, HB 391 TABLED, HB 499 DO PASS, HB 511 TABLED, HB 581 TABLED, HB 583 TABLED, HB 588 TABLED, HB 593 TABLED, HB 594 DO PASS, SB 269 TABLED, SB 310 DO PASS

Closing by Sponsor:
REP. BERGSAGEL closed the hearing on HB 600.
{Tape: 2; Side: B; Approx. Tape Counter: 7.4.}

EXECUTIVE ACTION ON HB 588

Motion/Vote: REP. DEBRUYCKER moved HB 588 Be Tabled. Motion carried unanimously.
{Tape: 2; Side: B; Approx. Tape Counter: 11.0.}

EXECUTIVE ACTION ON HB 594

Motion/Vote: REP. DEBRUYCKER moved HB 594 Do Pass. Motion carried unanimously.
{Tape: 2; Side: B; Approx. Tape Counter: 12.2.}

EXECUTIVE ACTION ON HB 511

Motion/Vote: REP. VICK moved HB 511 Be Tabled. Motion carried 17 - 1, with REP. WISEMAN voting no.
{Tape: 2; Side: B; Approx. Tape Counter: 13.2.}

EXECUTIVE ACTION ON HB 581 and 583

Motion: REP. KEENAN moved HB 581 and HB 583 Be Tabled. The committee asked to split them and vote on each bill separately.
{Tape: 2; Side: B; Approx. Tape Counter: 13.7.}

Motion/Vote: REP. COBB moved HB 581 Be Tabled. Motion carried unanimously.
{Tape: 2; Side: B; Approx. Tape Counter: 15.3.}

Vote: Motion that HB 583 Be Tabled carried 14 - 4, with REPS. MENAHAN, QUILICI, BARNHART, and COBB voting no.
{Tape: 2; Side: B; Approx. Tape Counter: 22.0.}

HEARING ON HB 298

Opening Statement by Sponsor:
REP. ROYAL JOHNSON opened the hearing on HB 298, An act providing for two-year terms for members of the health care advisory council, providing that a member may serve three terms; extending the termination provision for the health care advisory council to the year 2001.
{Tape: 2; Side: B; Approx. Tape Counter: 22.5.}

Proponents:
GOVERNOR MARC RACICOT.
{Tape: 2; Side: B; Approx. Tape Counter: 24.1.}

SENATE FINANCE & CLAIMS

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ------- REREFERRED ---- DATE READ

HB0584	KNOX, DICK 3/28	4/08	CREATING AN ORPHAN SHARE SPECIAL REVENUE ACCOUNT	CONCUR AS AMENDED 4/11 VOTE: 13-4		4/11
HB0594	DEBRUYCKER, ROGER 3/27	4/08	ELIMINATE BOARD OF PASSENGER TRAMWAY SAFETY AND ASSOCIATED LAWS	CONCUR 4/8 VOTE: 17-0		4/09
HB0610	GRADY, ED 3/28	4/08	DOT FUNDING STUDY COMMISSION	CONCUR AS AMENDED 4/11 VOTE: 12-5		4/12
HB0615	COBB, JOHN 4/09	4/11	INTERIM STUDY COMM TO OVERSEE STUDY OF SOCIOECONOMIC IMPACTS OF GAMBLING	CONCUR 4/11 VOTE: 11-6		4/11
HJ0024	SOFT, LOREN 3/28	4/08	LEGISLATIVE CONSENT FOR CHAPEL AT WOMEN'S PRISON, CHURCH AT MDC AND MSH	CONCUR 4/8 VOTE: 16-1		4/09
SB0002	HOLDEN, RIC 3/15	3/20	REVISE, CLARIFY, AND CONSOLIDATE LAWS GOVERNING WORK PROGRAMS FOR INMATES	COM RPT - BCC 3/20 VOTE: 16-1		3/20
SB0019	GAGE, DELWYN 1/20	1/30	GENERALLY REVISING STATE GOVERNMENT BUDGETING LAWS	PASS AS AMENDED 1/30 VOTE: 15-0		1/31
SB0035	JENKINS, LOREN 1/03	1/09	BUDGET PERFORMANCE STANDARDS	PASS AS AMENDED 1/10 VOTE: 17-0		1/13
SB0109	HOLDEN, RIC 3/15	3/20	GENERAL CLARIFICATION OF CORRECTIONS STATUTES	COM RPT - BCC 3/20 VOTE: 16-1		3/20
SB0267	KEATING, THOMAS 2/03	2/17	REVISING RIT FUNDING STRUCTURE 3/6 3/10 3/12 3/14	TABLED ON 03/21 VOTE: 17-0		
SB0374	HARGROVE, DON 2/25	3/06	REVISE CHILD SUPPORT LAWS TO COMPLY WITH FEDERAL REQUIREMENTS AND LAW 3/11 3/13 3/14 3/18 3/20	PASS AS AMENDED 3/21 VOTE: 11-6		3/22

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By **CHAIRMAN CHUCK SWYSGOOD**, on April 8, 1997, at 7:05 a.m., in Room 108.

ROLL CALL

Members Present:

Sen. Charles "Chuck" Swysgood, Chairman (R)
Sen. Thomas F. Keating, Vice Chairman (R)
Sen. Larry Baer (R)
Sen. Thomas A. "Tom" Beck (R)
Sen. James H. "Jim" Burnett (R)
Sen. B.F. "Chris" Christiaens (D)
Sen. Eve Franklin (D)
Sen. Loren Jenkins (R)
Sen. Greg Jergeson (D)
Sen. John "J.D." Lynch (D)
Sen. Dale Mahlum (R)
Sen. Ken Miller (R)
Sen. Arnie A. Mohl (R)
Sen. Linda J. Nelson (D)
Sen. Mike Taylor (R)
Sen. Daryl Toews (R)
Sen. Mignon Waterman (D)

Members Excused: None

Members Absent: None

Staff Present: Taryn Purdy, Legislative Fiscal Division
Sharon Cummings, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 13, 4/2/97; HJR 24, 4/2/97; HB 584, 4/2/97; HB 594, 4/2/97; HB 610, 4/2/97

Executive Action: HB 13, BCCAA; HJR 24, BCC; HB 594, BCC; HB 610, BCCAA; HB 171, BCC; HB 47, BCC; HB 580, BCCAA; HB 188, BCCAA

metalliferous mines money for voluntary cleanup. Some of these sites are the Joslin Street tailing site, Corbin Flats and others high on the list. This program has been extended to FY99.

SEN. KEATING If HB 584 is passed, how with the metalliferous mines tax be divided? **Ms. Dringman** No metal mines money would go to RIT, it would be diverted with 8.5% going to this program, 58% to the General Fund, 1.5% to the hard rock mining impact trust account, 2.2% to ground water assessment account, 4.8% to the reclamation and development grants program.

SEN. LOREN JENKINS None of the metal mines tax goes to the RIT currently, does it? **Ms. Dringman** No, it did prior to 1995.

SEN. KEATING Some of the metal mines money was going to the reclamation and development account, wasn't it? **John Tubbs, Department of Natural Resources and Conservation (DNRC)** 4.8% is going to the reclamation account.

CHAIRMAN SWYSGOOD The fiscal note we got with this bill is not correct. This bill becomes effective July 1, 1999, is that right? **Ms. Dringman** Both HB 584 and SB 377 become effective immediately with metal mines money. RIT interest money does not become effective until FY99.

CHAIRMAN SWYSGOOD The fiscal impact will be $675,000 in FY98 and $1.25 million in FY99, is that correct? **REP. KNOX** That is correct.

Closing by Sponsor:

REP. KNOX It is unusual to get groups such as these together and even more unusual to arrive at the kind of agreement they did with SB 377 and HB 584. There is no General Fund impact on this. Under our current system, joint and severed liability inevitably results in a huge amount of litigation. This process will reduce litigation making more money available for cleanup. I ask for your approval of this.

{Tape: 1; Side: A; Approx. Time Count: 7:49; Comments: None.}

HEARING ON HB 594

Sponsor: REP. ROGER DEBRUYCKER, HD 89, FLOWEREE

Proponents: Pat Melby, Montana Ski Areas Association
Kevin Taylor, Great Divide Ski Area
George Willett, Showdown Ski Area
Peter Pitcher, Discovery Ski Area

Opponents: John Drake, U.S. Forest Service

Opening Statement by Sponsor:

REP. ROGER DEBRUYCKER, HD 89, FLOWEREE HB 594 eliminates the Tramway Board. There are people here that know a lot more about it than me and will speak to you on this bill.

Proponents' Testimony:

Pat Melby, Montana Ski Areas Association We are in favor of HB 594. This bill will eliminate the regulatory functions of the tramway board which currently has the responsibility of insuring that ski lifts meet ANSI B77 standards. The board has neither the money nor the technical expertise to inspect lifts and insure they meet the standards that are applicable. The board relies on inspections by the insurance companies who require the ski lifts meet these same standards. A number of states do not have tramway inspection programs. **(EXHIBIT #3)** handed out. Thirty-nine incidents happened on the tramway safety board watch and the existence of the board did not prevent them. To our knowledge, none of those incidents were investigated by the board. There is some concern that having the tramway safety board protects private parties and the federal government agencies on whose land a ski area is located from liability. I don't think any amount of regulation protects anyone from liability. The U.S. Forest Service is opposed to this bill and will be proposing an amendment to have the Department of Commerce inspect lifts and insure they met ANSI B77 standards. Insurance companies require us to meet these standards anyway. We think the bill in its present form is very good. Here are letters from 2 insurance companies stating eliminating the tramway board will not affect their ability to provide insurance or the cost. **(EXHIBIT #4 & #5)** I urge the committee to pass HB 594.

Kevin Taylor, Great Divide Ski Area I've been involved in the construction and operation of ski lifts in Montana since 1980. I was appointed to the tramway board in 1990 and served as its chairman from 1994-1996. During my recent tenure as chairman it became increasingly evident to me that the functions performed by the board were redundant and unnecessary and maintained a level of regulation and taxation that provided no benefit to the citizens of Montana or the ski area industry. The board was created more than 20 years ago by ski areas to assist in interpretation and adherence to a standard performance for design, construction, maintenance and operation of ski lifts. The ski area industry adheres strictly to the ANSI-B77 standards. The primary players in the development, evaluation and compliance with this standards are the insurance companies and ski areas. The insurance companies hire the very best inspectors in the country and these inspectors make regular visits to their Montana clients to insure compliance with the standards. The tramway board considered this bill last month and could not find reason enough to continue its own existence and voted in the majority to support this bill. All states surrounding Montana have active ski industries and none have tramway boards or regulations and

their safety records are no different from ours. The tramway board is no longer necessary. I ask your support of this bill.

George Willett, Showdown Ski Area The industry has worked hard at developing a professional approach to running the ski business. We all use ANSI-B77, we all buy lifts from manufacturers who design lifts based on ANSI-B77, we all buy insurance from companies that demand we use ANSI-B77. The tramway board has done nothing but follow the directions of the lift manufacturers and the insurance companies. Our business dictates that we operate a business that is perceived by the public to be free of as much danger as possible. Skiing, by its nature, is a dangerous sport. If we have incidents where a number of people get hurt on tramways we'll be out of business. It is in our best interest to insure that our lifts meet the ANSI-B77 code and it is in the insurance companies best interest that they insist that we maintain and inspect our lifts according to ANSI-B77. Our record in this state is good and has been achieved because of the operators, insurance companies and lift manufacturers, not because of the tramway board. I encourage you to support this legislation.

Peter Pitcher, Discovery Ski Area I would like you to support this bill for the reasons everyone else has expressed but also because the tramway board is a part of government that doesn't work. The best people in the country work for the insurance companies, those are the people we have to depend upon. I urge your support of this bill.

{Tape: 1; Side: B; Approx. Time Count: 8:04; Comments: None.}

Opponents' Testimony:

John Drake, U.S. Forest Service Testimony handed out. **(EXHIBIT #6)** Incident list handed out. **(EXHIBIT #7)**

{Tape: 1; Side: B; Approx. Time Count: 8:13; Comments: None.}

Questions From Committee Members and Responses:

SEN. TOM BECK Does the forest service issue a permit for ski resorts on federal lands and how many years is it renewable for? **Mr. Drake** We issue a permit that is usually for a 20-30 year period.

SEN. BECK I have cattle permits and the forest service checks to see how many cattle I have, where I have them, what I'm doing with it and what fences have to be fixed. Why aren't you doing the same with the trams and inspecting them? If the trams aren't to your satisfaction, would you deny the permit? **Mr. Drake** We no longer have the skills to do these inspections. We view this as a partnership with the insurance and ski area industry. This is a requirement of the permit.

SEN. BECK Are you reviewing the tramway board's inspections? Do you have the expertise to say whether they are good or bad? **Mr. Drake** Yes, we review the tramway board's inspections. They are clear enough for us to monitor and have been very useful to us. We are not able to tell from insurance inspections what is occurring and it may not be to their advantage to point some of these things out.

SEN. KEATING Do you indemnify the U.S. from liability when entering into agreements with ski areas? **Mr. Drake** We are a co-insurer along with the ski industry. The government would probably stand alone in any liability. **Mr. Melby** The permit, which is renewed annually, requires that the ski area maintain liability insurance with the forest service being named as a co-insurer.

SEN. KEATING Then both the state and the forest service are held harmless by the insurance so the liability for incidents are between the insurance company and the ski operator, right? **Mr. Melby** That is our position. If the U.S. government is requiring ski areas to meet these national standards, their liability is minimal because they haven't done anything negligent that would result in a judgement against them. They have also protected themselves by requiring the ski area to maintain liability insurance. We don't know of any insurance company that doesn't require meeting ANSI-B77 standards and inspections. Most of the inspections **Mr. Drake** is reviewing have be conducted by insurance companies and sent to the board of tramways.

SEN. JENKINS What do you do with the states that don't have tramway boards? **Mr. Drake** We rely on what we can get from the insurance industry and may have a third-party inspection. It is a more difficult arrangement when we do not have a tramway board to deal with.

SEN. JENKINS Would the forest service be willing to pay for a tramway board in Montana? **Mr. Drake** We will accept the responsibility of maintaining permits.

SEN. CHRIS CHRISTIAENS What extra costs are there with the special use permits you propose? **Mr. Drake** We have provisions in the permits which we would rely on when going to a third-party for inspections. They will probably be more costly than what is occurring right now.

SEN. CHRISTIAENS Have you discussed this with ski area operators and tried to come to a compromise? **Mr. Drake** We have not had an opportunity to work with them since the bill surfaced. We would welcome the opportunity to work with the ski industry and the state to make this cost effective.

SEN. DALE MAHLUM Will the forest service require inspections from the insurance company and an outside inspection? **Mr. Drake** We may be able to utilize the insurance company inspection, in

many cases we are not able to use them. If we cannot use those we will require a third-party assessment. We have contractors that are well qualified to provide that assessment.

SEN. BECK The assessment fee will be passed on to the ski area owner, if they don't jump all the hoops, will you deny the permit? **Mr. Drake** If we are not satisfied that the public is protected we will deny the permit.

CHAIRMAN SWYSGOOD You've heard the testimony of the forest service, is the industry willing to bear the cost of an outside inspector? **Mr. Willett** I believe the industry is willing to bear this. The forest service has a no tramway relationship with ski areas in all the states around us and it has not become an onerous problem for those ski areas. I think the operator should pay the bill if there is a problem area. We all paid the bill for a problem area through the tramway board. We want the same treatment they give other areas in other states that don't have tramway boards. They're not bad guys, I've had a good relationship with the forest service for 25 years.

CHAIRMAN SWYSGOOD Currently, insurance companies do these inspections, what does the board do. Does their engineer inspect your facility and turn a report into the forest service? **Mr. Willett** The tramway board has never had qualified engineers to do the inspections, they monitor the insurance company inspections. We submit the insurance company inspection to the forest service and the tramway board.

Closing by Sponsor:

REP. DEBRUYCKER The tramway board engineer never went to these ski areas, all they did was funnel the paperwork and that is why this bill is here. Of the 39 incidents there were 3 injuries. Every time the chair lift shuts down is an incident, sometimes this is when the power goes down.

{Tape: 1; Side: B; Approx. Time Count: 8:32; Comments: None.}

HEARING ON HB 610

Sponsor: REP. ED GRADY, HD 55, CANYON CREEK

Proponents: **Marv Dye, Department of Transportation**
Ronna Alexander, Petroleum Marketers Association
Ken Hoovestol, Montana Snowmobile Association
Doug Abelin, Four Wheelers and Motor Bike Off-Road Users

Opponents: None

Opening Statement by Sponsor:

SEN. LYNCH Please explain what is happening with the Commissioner of Campaign Practices salary? **REP. WISEMAN** This position's salary has never been in the law, this bill inserts it in section 15. He requested this position be a grade 19, the House Appropriations Committee lowered it to a grade 17.

SEN. LYNCH This position serves one 6 year term, so it will never reach market value. **REP. WISEMAN** House Appropriations tried to fit his present salary into the pay scale. They felt grade 19 was too much higher than his current salary. **Mr. Cress** The language in section 15 places the Commissioner of Political Practices at market value which is $39,900.

SEN. MIGNON WATERMAN I would like information on the number of staff per grade. **Mr. Cress** I'll get that for you.

SEN. DARYL TOEWS Please explain the bottom of **(EXHIBIT #9)** that refers to paid annual leave. **Mr. Cress** The green sheet shows the results of the salary survey and indicates that we provide more paid days off than private employers in Montana on an average. State salaries are less than private employers. This is a situation that resulted over a number of years because pay increases have not kept pace with the market.

SEN. TAYLOR What would an employee who has been with the state for 6 years have in paid days off? **Mr. Cress** Annual leave increases are 3 days at 10 years and at five year intervals after that. Those leave days are not changed by this bill.

{Tape: 2; Side: A; Approx. Time Count: 9:10; Comments: None.}

Closing by Sponsor:

REP. WISEMAN I challenge each one of you to look at the number of supervisors in your subcommittee next session. I think the State of Montana has about 1 supervisor for every 5-6 employees. One of the most effective ways to cut state government is to flatten this structure. I wish I could tell you this is the last time we'll have to raise state employees salaries but those of us in this room have voted for the last 30 years for people in congress and in the White House who have spend $4.5 trillion more than they have taken in. The only way they will ever pay off that national debt is to inflate their way out of it. This is our opportunity to take care of our state employees.

{Tape: 2; Side: A; Approx. Time Count: 9:53; Comments: None.}

EXECUTIVE ACTION ON HB 594

Motion/Vote: **SEN. LYNCH MOVES HB 594 BE CONCURRED IN. THE MOTION CARRIED UNANIMOUSLY. SEN. KEATING** will carry HB 594.

EXECUTIVE ACTION ON HJR 24